

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEVON BRADFORD,

No. C-12-04426 DMR

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE TRANSFERRED**

v.

RANDY DAVIS, et al.,

Defendants.

According to Plaintiff's complaint, the incident that forms the basis of his complaint took place in Modesto, California in Stanislaus County, and Plaintiff lives in Modesto. Pursuant to 28 U.S.C. § 1391, a case in which jurisdiction is not based solely on diversity of citizenship<sup>1</sup> may be filed only in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). Based on the allegations in the complaint, it appears that the proper venue for this case is the Eastern District of California because that is where "a substantial part of the events or

<sup>1</sup> In his Complaint, Plaintiff states that he is filing under 42 U.S.C. § 1983 and alleges that this Court has federal question jurisdiction over this case.

1 omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b)(2). When a plaintiff files his or  
2 her case in the wrong district, the court must either dismiss the case or transfer it to the District  
3 Court in the correct district. *See* 28 U.S.C. § 1406(a). Thus, unless Plaintiff can show legal  
4 authority for venue in this district, the court will transfer the case to the Eastern District of  
5 California. Accordingly, IT IS HEREBY ORDERED that, **by no later than September 26, 2012**,  
6 Plaintiff shall file a statement explaining why this case should not be transferred to the United States  
7 District Court for the Eastern District of California.

8  
9 IT IS SO ORDERED.

10  
11 Dated: September 12, 2012

